

E-Filed on May 29, 2007

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10 Special Litigation Counsel for USACM Liquidating Trust

11 **LEWIS AND ROCA LLP**
 12 3993 Howard Hughes Parkway, Suite 600
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 14 Telephone (702) 949-8320
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 17 Email: sfreeman@lrlaw.com
 18 Rob Charles, NV State Bar No. 006593
 19 Email: rcharles@lrlaw.com

20 Counsel for USACM Liquidating Trust

21 **UNITED STATES BANKRUPTCY COURT**
 22 **DISTRICT OF NEVADA**

23 In re:
 24 USA COMMERCIAL MORTGAGE COMPANY,
 25 Debtor.

26 Case Nos.:
 27 BK-S-06-10725-LBR
 28 BK-S-06-10726-LBR
 29 BK-S-06-10727-LBR
 30 BK-S-06-10728-LBR
 31 BK-S-06-10729-LBR

32 In re:
 33 USA CAPITAL REALTY ADVISORS, LLC,
 34 Debtor.

35 JOINTLY ADMINISTERED
 36 Chapter 11 Cases

37 In re:
 38 USA CAPITAL DIVERSIFIED TRUST DEED
 39 FUND, LLC,
 40 Debtor.

41 Judge Linda B. Riegle Presiding

42 In re:
 43 USA CAPITAL FIRST TRUST DEED FUND,
 44 LLC,
 45 Debtor.

46 **NOTICE OF FILING PROOFS OF
 47 SERVICE OF SUBPOENAS FOR
 48 RULE 2004 EXAMINATION**

49 In re:
 50 USA SECURITIES, LLC,
 51 Debtor.

52 Affects:
 53 All Debtors
 54 USA Commercial Mortgage Company
 55 USA Capital Realty Advisors, LLC
 56 USA Capital Diversified Trust Deed Fund, LLC
 57 USA Capital First Trust Deed Fund, LLC
 58 USA Securities, LLC

60 NOTICE IS GIVEN that the USACM Liquidating Trust herewith files the:

62 **Proof of Service of Subpoena for Rule 2004 Examination
 63 of Robert Hilson (Exhibit A Attached); and**

**Proof of Service of Subpoena for Rule 2004 Examination
of Jamie L. Wise (Exhibit B Attached).**

DATED: May 29, 2007

DIAMOND MCCARTHY LLP

LEWIS AND ROCA LLP

By: /s/ Eric D. Madden
Allan B. Diamond, TX 05801800 (pro hac vice)
William T. Reid, IV, TX 00788817 (pro hac vice)
Eric D. Madden, TX 24013079 (pro hac vice)
909 Fannin, Suite 1500
Houston, Texas 77010
(713) 333-5100 (telephone)
(713) 333-5199 (facsimile)

*Special Litigation Counsel for
USACM Liquidating Trust*

By: /s/ Rob Charles
Susan M. Freeman, AZ 4199 (pro hac vice)
Rob Charles, NV 6593
3993 Howard Hughes Parkway, Suite 600
Las Vegas, Nevada 89169-5996
(702) 949-8320 (telephone)
(702) 949-8321 (facsimile)

Counsel for USACM Liquidating Trust

PROOF OF SERVICE

DATE:

PLACE:

05-17-07

5852 MARIA DEL MAR STREET
NORTH LAS VEGAS, NV 89030

SERVED:

SERVED ON (PRINT NAME)

ROBERT HILSON

MANNER OF SERVICE
PERSONAL

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 05-21-07

Date

Signature of Server

1118 FREMONT ST. LV, NV 89101

Address of Server

Rule 45, Federal Rules of Civil Procedure, Parts (c) & (d) made applicable in cases under the Bankruptcy Code by Rule 9016, Fed.R.Bankr.P.:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order by the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any persons who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance.

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held or,

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
(iv) subjects a person to undue burden.

(B) If a subpoena

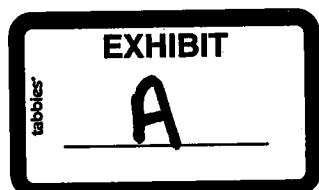
(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.



United States Bankruptcy Court

DISTRICT OF NEVADA

IN RE

USA COMMERCIAL MORTGAGE COMPANY,
 USA CAPITAL REALTY ADVISORS, LLC,
 USA CAPITAL DIVERSIFIED TRUST DEED FUND LLC,
 USA CAPITAL FIRST TRUST DEED FUND LLC,
 USA SECURITIES, LLC,

SUBPOENA FOR RULE 2004 EXAMINATION

CASE NOS. BK-S-06-10725 LBR
BK-S-06-10726 LBR
BK-S-06-10727 LBR
BK-S-06-10728 LBR
BK-S-06-10729 LBR

DEBTORS.

**JOINTLY ADMINISTERED UNDER
CASE NO. BK-S-06-10725-LBR**

AFFECTS: ALL DEBTORS

TO: Robert Hilson
 5852 Maria Del Mar Street.
 Las Vegas, Nevada 89130

X YOU ARE COMMANDED to appear for examination under Federal Rule of Bankruptcy Procedure 2004, pursuant to the attached court order, regarding the following topics at the place, date and time specified below:

SEE ATTACHED EXHIBIT A FOR TOPICS OF EXAMINATION

PLACE OF TESTIMONY	DATE AND TIME
LEWIS AND ROCA, LLP 3993 HOWARD HUGHES PARKWAY, SUITE 600 LAS VEGAS, NEVADA 89169 (702) 949-8200	May 31, 2007 at 10:00 A.M. Or such other mutually agreeable date and/or time

X YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below:

SEE ATTACHED EXHIBIT B FOR DOCUMENTS REQUESTED

PLACE	DATE
LEWIS AND ROCA, LLP 3993 HOWARD HUGHES PARKWAY, SUITE 600 LAS VEGAS, NEVADA 89169 (702) 949-8200	May 25, 2007 at 10:00 A.M. Or such other mutually agreeable date and/or time

ISSUING OFFICER SIGNATURE AND TITLE	DATE
 Special Litigation Counsel for the USACM Liquidating Trust	May 16, 2007

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

ERIC D. MADDEN
 DIAMOND MCCARTHY LLP
 1201 ELM STREET, 34TH FLOOR
 DALLAS, TEXAS 75270
 (214) 389-5306

PROOF OF SERVICE

DATE:

PLACE:

05-17-07 @ 7:28 PM

8930 BELCONTE LN HENDERSON, NV 89074

SERVED:

SERVED ON (PRINT NAME)

JAIME WISE, HUSBAND, CO-RESIDENT
AKA JIM WISEMANNER OF SERVICE
PERSONAL

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 05-21-07

Date

Signature of Server

1118 FREMONT ST. LV, NV 89101

Address of Server

Rule 45, Federal Rules of Civil Procedure, Parts (c) & (d) made applicable in cases under the Bankruptcy Code by Rule 9016, Fed.R.Bankr.P.:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order by the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any persons who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance.

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held or,

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

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(2) When information subject to a subpoena is withheld on a claim that is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.



Original

United States Bankruptcy Court

DISTRICT OF NEVADA

IN RE

USA COMMERCIAL MORTGAGE COMPANY,
 USA CAPITAL REALTY ADVISORS, LLC,
 USA CAPITAL DIVERSIFIED TRUST DEED FUND LLC,
 USA CAPITAL FIRST TRUST DEED FUND LLC,
 USA SECURITIES, LLC,

SUBPOENA FOR RULE 2004 EXAMINATION

CASE NOS. BK-S-06-10725 LBR
BK-S-06-10726 LBR
BK-S-06-10727 LBR
BK-S-06-10728 LBR
BK-S-06-10729 LBR

DEBTORS.

JOINTLY ADMINISTERED UNDER
 CASE NO. BK-S-06-10725-LBR

AFFECTS: ALL DEBTORS

TO: Jamie L. Wise
 c/o John Peter Lee
 John Peter Lee, Ltd.
 830 Las Vegas Blvd. South
 Las Vegas, NV 89101

X YOU ARE COMMANDED to appear for examination under Federal Rule of Bankruptcy Procedure 2004, pursuant to the attached court order, regarding the following topics at the place, date and time specified below:

SEE ATTACHED EXHIBIT A FOR TOPICS OF EXAMINATION

PLACE OF TESTIMONY	DATE AND TIME
LEWIS AND ROCA, LLP 3993 HOWARD HUGHES PARKWAY, SUITE 600 LAS VEGAS, NEVADA 89169 (702) 949-8200	June 28, 2007 at 9:30 A.M. (or such other mutually agreeable date and/or time)

X YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below:

SEE ATTACHED EXHIBIT B FOR DOCUMENTS REQUESTED

PLACE	DATE
LEWIS AND ROCA, LLP 3993 HOWARD HUGHES PARKWAY, SUITE 600 LAS VEGAS, NEVADA 89169 (702) 949-8200	June 15, 2007 at 10:00 A.M. (or such other mutually agreeable date and/or time)

ISSUING OFFICER SIGNATURE AND TITLE	DATE
 Special Litigation Counsel for the USACM Liquidating Trust	May 15, 2007

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER
ERIC D. MADDEN DIAMOND MCCARTHY LLP 1201 ELM STREET, 34TH FLOOR DALLAS, TEXAS 75270 (214) 389-5306